IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2852 OF 2004

M/s.Merind Limited .. Petitioner.

V/s.

Union of India & Others .. Respondents.

Mr.M.B. Baxi with Mr.K.B. Irani i/b. Harish Joshi & Co. for the petitioner.

Mr.Y.S. Bhate with Mr.Y.R. Mishra for the respondents.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 29TH OCTOBER, 2004.

P.C. :

Heard.

2. Rule. Returnable forthwith.

3. Mr.Y.S. Bhate, Advocate for respondent Nos.1 to 4 waives service.

4. Service of rule on respondent No.5 is dispensed with.

5. Rule is treated on board and is heard

finally at this stage.

6. By consent of the learned counsel for the parties, the rule is disposed of by following order :

i) We record and accept the statement of the petitioner that they have filed requisite documents in the office of the Director General of Foreign Trade (DGFT) for issuance of Export Obligation Discharge Certificate (EODC).

ii) We record and accept the undertaking given on behalf of the petitioner that the bank guarantee dated December 20, 2001 (Exhibit ’B’) that is presently valid upto December 20, 2004 shall be kept alive until the issuance of EODC and for a period of two months thereafter.

iii) We record and accept the statement made on behalf of the respondent Nos.1 to 4 that the DGFT or any other competent authority on his behalf shall be able to complete the process for issuance of EODC

within two months from today.

iv) The respondent Nos.1 to 4 shall not take any action pursuant to the impugned communication dated May 26, 2004 in the light of the aforesaid statements made by the parties and accepted by us.

7. No costs.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)